

UNITED STATES DISTRICT COURT

for the
District of Arizona

DOA
08-24-17

United States of America)

v.)

Demetrio Fuentes,)

a.k.a.: Demetrio R. Fuentez,)

(A090 110 786))

Defendant)

Case No. 17-9340MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 24, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Demetrio Fuentes, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 22, 2001, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Natalie B. Huddleston

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: August 25, 2017

Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follow:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 24, 2017, while following a lead, the Phoenix ICE Fugitive Operations Team encountered Demetrio Fuentes during a traffic stop at the intersection of 27th Avenue and McDowell Road, in Phoenix, Arizona. At the scene, ICE Officer R. Moore interviewed Fuentes and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Fuentes was transported to the Phoenix ICE office for further investigation and processing. Fuentes was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Demetrio Fuentes to be a citizen of Mexico and a previously deported criminal alien. Fuentes was removed from the United States to Mexico at or near Nogales, Arizona, on or about June 22, 2001, pursuant to an order of removal issued by an immigration judge. There is no record of Fuentes in any


Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Fuentes' immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Demetrio Fuentes was convicted of Attempted Sale of Marijuana Weighing Over Two (2) Pounds, a felony offense, on January 11, 2000, in the Superior Court of Arizona, Maricopa County. Fuentes was sentenced to three and one half (3.5) years' incarceration. Fuentes' criminal history was matched to him by electronic fingerprint comparison.
5. On August 24, 2017, Demetrio Fuentes was advised of his constitutional rights. Fuentes freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 24, 2017, Demetrio Fuentes, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 22, 2001, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for

admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 25th day of August, 2017.



Eileen S. Willett,
United States Magistrate Judge